N O N   H I T   S H O O T I N G

DATE/TIME: February 25, 1997, 1900 hours

LOCATION: Clarkdale Avenue, South of 169th Street
Padelford Park, City of Artesia
Lakewood Station Area

INVOLVED PERSONNEL: Deputy Frank Leal, #[redacted]
Deputy Boris Nikolof, #[redacted]
Deputy Jose Ayala, #[redacted]

SUSPECT(S): Unknown

SYNOPSIS

The following summary is based on interviews with the involved deputies, witnesses and reports under file number 097-06078-1348-011.

At approximately 1900 hours, Deputies Frank Leal, Boris Nikolof, and Jose Ayala were parked at the south end of the cul-de-sac on Clarkdale Avenue, at the entrance to A. J. Padelford Park. While there they suddenly came under fire from unknown(s) with an assault type weapon. Deputies were able to return fire in the direction of their attacker and were able to move to safer position. They requested additional units who established a containment and searched for the suspect(s). No suspects were arrested and none of the Deputies sustained any injuries.

DEPUTY STATEMENT(S)

Deputy Frank Leal was interviewed by Sergeants Staci Burgess and Ken Leffler of the Internal Affairs Bureau on February 25, 1997, at approximately 2155 hours.

Deputy Leal said at approximately 1900 hours, he was parked in a cul-de-sac near Clarkdale Avenue and 169th Street. He said that Deputies Nikolof and Ayala were also parked there with him. He said he and Ayala were standing outside of their patrol cars and Nikolof was sitting in the driver's seat of his patrol car.

Deputy Leal said that as they talked, he saw a flash of light to his left, as he looked over the hood of Nikolof's radio car. He heard the sound of glass breaking on Nikolof's car and the sound of gunfire. He said he realized they were being shot at and yelled, "shots fired, shots fired" and fell to the ground. He saw Nikolof exit his radio car and Ayala also dropping to the ground.

Leal said he could still hear rounds being fired as they all went to the ground. He looked through the open door of Nikolof's car, through the windshield (southwesterly direction) and could see a muzzle flash. He said from past foot pursuits and contacts, he knew that directly behind the muzzle flash is a large retaining wall (approx. 20 feet high, freeway sound wall). He said that rounds were repeatedly being fired at them and he felt he had to return fire for their safety. Although he could not see a suspect, he felt that returning fire at the muzzle flashes would end the threat.

He said he fired at the muzzle flashes and continued to fire his duty weapon until the muzzle flashes stopped. He said he fired his weapon over the top of Nikolof's patrol car, near the driver's door. He said when the muzzle flashes stopped, he de-cocked his weapon (lever down, lever up), dropped the magazine and loaded a fresh magazine, and moved to the rear of his radio car. He estimated that ten (10) rounds were fired at him and the other deputies.

Leal said when he stopped seeing the muzzle flashes, he moved toward the right front quarter panel of his radio car because he thought the suspect(s) might move in an easterly direction and come in behind them. He told the other deputies to cover the area where the muzzle flashes had originated and to also cover the area toward 169th Street.

Leal said he was able to put out a broadcast that they were involved in a gun fight and tried to set up a containment as the units were responding. Once units arrived at the location, the three deputies utilized Leal's patrol car and moved to a safer location. Deputy Nikolof's patrol car had been disabled during the attack.

Deputy Leal surmised the weapon being fired at them was a long rifle because the muzzle flashes were big. He estimated the muzzle flashes to be approximately one to one and one half feet in width. He said the weapon made a loud noise as it was being fired and believed it was semiautomatic. He said at the time of the incident, he was unaware if either of the other two deputies had fired their weapons.

Deputy Boris Nikolof stated substantially the same as Deputy Leal. He added that while sitting in the driver's seat of his patrol car, he heard a clicking noise. Before he could ask Deputy Leal if he heard the noise, he could hear rounds being fired and saw muzzle flashes to his right.

He said he could hear the rounds hitting his patrol car as Deputy Leal was yelling for everyone to take cover. He said he exited the radio car and went down to the ground, but he could still hear the rounds being fired and the sound of glass breaking. He said he shot two rounds from his duty Beretta in the direction of the muzzle flashes. He said he was aware that there was a 10-15 foot brick wall behind the area that the muzzle flashes were coming from. He believes that there were 10-15 rounds fired at him and the other two deputies, and then it suddenly stopped.

Deputy Nikolof said he saw Deputy Leal broadcasting over his radio that they were

involved in a shooting. Nikolof said that once assisting units arrived, all three deputies moved to safer location. He described the weapon being fired at them as a high-powered weapon. Nikolof said he did not know if Deputy Leal fired his weapon, but he believes that Deputy Ayala did fire his weapon.

Deputy Jose Ayala stated substantially the same as Deputies Leal and Nikolof. He believed that there were 15-20 rounds fired at them. He said he fired two rounds in the direction of the muzzle flashes just as the suspect(s) stopped firing. He said he attempted to put out a radio broadcast, but his hand-held radio was not working properly. He said he could hear that Deputies Leal and Nikolof were firing their weapons, but he did not know how many rounds they fired.

He added that he believes that the suspect(s) was attempting to kill them and not scare them. He felt this way because the rounds were hitting the radio cars which they were using for cover.

WITNESS STATEMENTS

There were no witnesses identified and/or interviewed regarding this incident.